

REMARKS

New corrected drawings are being submitted herewith as more particularly set forth in the Notice to the Official Draftsman. No new matter is introduced by the submission of the drawings.

Claims 1, 2, 5 and 6 presently stand rejected under 35 U.S.C.102(b) as being anticipated by U.S. Patent 4,040,264 to Howard. Claims 3 and 4 stand rejected under 35 U.S.C. 103 as being unpatentable in view of Howard.

The Examiner contends that Figure 2 of Howard teaches circuits that are intertwined and constructed in a diagonal manner to set up the active coil in touch with the incoming air along the whole surface when the other coil is not working. However, this rejection is respectfully traversed.

Specifically, as described in several places in the specification of Howard, its circuits, labeled by reference numerals 33 and 35, are separate and distinct from one another. Notably, in Column 3, Line 39, Howard states "In order to ensure that most of the air passing through the assembly 10 engages the surface areas adjacent circuit 33 prior to circuit 35 substantially all of the circuit 33 is arranged in the lower or upstream half of the slab." Similarly, Howard states in Column 4, Line 6, "In summary it should be apparent that by the present invention there is provided an A-coil heat exchanger wherein the evaporator circuit of one refrigeration system is disposed in the lower or leading half of each slab relative to air flow indicated by arrows in Fig. 2 with the evaporator circuit of another refrigeration

system being disposed in the upper or trailing half of each slab relative to air flow." Howard goes further and states at Column 4, Line 17: "The problems of air stratification and humidity control has been substantially eliminated when, as in the present invention, half of each slab relative to air flow of an A-coil is circuited to be part of a refrigeration system independent of the other half of each slab which is circuited to be part of another refrigeration system."

It is respectfully urged that Howard essentially teaches the prior art that was described by Applicant in his Description of the Background Art of his Background of the Invention. Indeed, Applicant was attempting to distinguish away from such prior art systems by constructing his invention such that the circuits extend across the entire face of the evaporator to receive the air flow thereacross.

Claims 1-4 and 6 specifically recite the limitation of the "entire face" of the evaporator. Claim 5 has been similarly amended to include the limiting language "entire face". As thus originally stated in the case of Claims 1-4 and 6 and in the case of amended Claim 5, the teachings of Howard are easily distinguished. Howard is therefore not anticipatory. With regard to obviousness, a person skilled in the art following the teachings of Howard would actually be lead away from Applicant's claimed invention since such skilled artisan would be instructed by Howard to not overlap the respective

circuits but rather stagger them to operate independently as specified by the above-quoted text of Howard.

Consequently, it is respectfully urged that Howard does not anticipate Claims 1, 2, 5 or 6. Furthermore, a *prima facie* showing of obviousness has not been set forth under Section 103 as a proper basis for rejecting Claims 3 and 4.

In view of the foregoing, the rejections are respectfully traversed and reconsideration is respectfully requested.

Respectfully submitted,

Michael J. Colitz

Michael J. Colitz, III
Registration No. 37,010
Holland & Knight LLP
Suite 4100
100 N. Tampa Street
Tampa, Florida 33602-3644
Telephone: 813/227-8500
Facsimile: 813/229-0134

CERTIFICATE OF MAILING

I HEREBY CERTIFY that the foregoing was placed in an envelope and mailed via U.S. Express Mail (No. ER965764130US), postage prepaid to:
Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450
on this the 3rd day of August, 2004.

The Commissioner is hereby authorized to charge any additional fees which may be required at any time during the prosecution of this application without specific authorization, or credit any overpayment, to Deposit Account

No. 50-1667.

Michael J. Colitz
Michael J. Colitz, III

cc: Global Energy Group, Inc.

2154611_v1